IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

S.B.CIVIL WRIT PETITION NO.828/1999.

Rakesh Kumar. **VERSUS** Addl. Collector (I), Jaipur & Anr.

12.09.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.Devendra Raghava, for the petitioner.
Mr.B.K.Sharma, Deputy Government Advocate.

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Two revision petitions were filed against the grant of *patta* by the Gram Panchayat, Nevta, Panchayat Samiti, Sanganer in favour of one Mangla Ram son of Ramkalyan and another in favour of the petitioner Rakesh Kumar son of Hanuman Sahai. The said *pattas* were challenged before the Additional Collector (I), Jaipur who by a common judgment dated 02.12.1998 decided both the revision petitions.

The order dated 02.12.1998 passed by the Additional Collector (I), Jaipur was challenged by the petitioner in the present writ petition and by Mangla Ram in S.B.Civil Writ Petition No.829/1999 [Mangla Ram Vs. The Additional Collector (I), Jaipur & Others] on identical grounds.

S.B.Civil Writ Petition No.829/1999 [Mangla Ram Vs. The Additional Collector (I), Jaipur & Others] was partly allowed by this court vide judgment dated 24.10.2005 in the following manner:-

> “This writ petition is directed against the impugned order dated 2.12.1998 by which the Additional Collector, Jaipur partly allowed the revision petitions and remanded the matter to the Gram Panchayat Nevta, Panchayat Samiti Sanganer with the direction that the Gram Panchayat shall enquire about the possession of the parties over the disputed plot and after affording

> opportunity of being heard to the parties shall pass the fresh order in accordance with the provisions of law.
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> Heard rival submissions of the respective parties and perused the impugned order. So far as remanding the matter is concerned, I do not want to interfere in the impugned order, but with regard to cancellation of the Patta, the parties are directed to maintain status quo as exists today. Gram Panchayat Nevta is directed to consider the matter fresh in accordance with the provisions of law, but shall not be affected by the observations made by the Additional Collector Ist, Jaipur while deciding the matter afresh.
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> In view of the aforesaid observation, the writ petition is partly allowed."

It is submitted by the learned counsel for the petitioner that in view of the above decision of this court deciding the writ petition filed by Mangla Ram and partly allowed the same, the writ petition of the present petitioner may also be disposed of in identical terms.

Having heard learned counsel for the parties, more so as it is not disputed that the writ petition filed by the Mangla Ram has been partly allowed by this court vide judgment dated 24.10.2005 which was also filed against the impugned order dated 02.12.1998 by which both the revision petitions were decided, I deem it just and proper to direct that this writ petition is also disposed of in identical terms.

Consequently, the writ petition as well as both the stay applications stand disposed of.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.